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## NOTICE OF ALLOWANCE AND FEE(S) DUE

26453

7590

02/07/2011

BAKER & MCKENZIE LLP  
1114 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

VIEZERIS, JAMES A

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 02/07/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,918	03/03/2004	John Edward Woods	56162916-2	3827

TITLE OF INVENTION: SYSTEM AND METHOD FOR MANAGING INVESTMENT FUNDS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	05/09/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26453 7590 02/07/2011

**BAKER & MCKENZIE LLP**  
**1114 AVENUE OF THE AMERICAS**  
**NEW YORK, NY 10036**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	YES	\$755	\$300	\$0	\$1055	05/09/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
VEZERIS, JAMES A	3693	705-03600R

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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26453	7590	02/07/2011	EXAMINER	
BAKER & MCKENZIE LLP 1114 AVENUE OF THE AMERICAS NEW YORK, NY 10036			VIZZERIS, JAMES A	
			ART UNIT	PAPER NUMBER

3693

DATE MAILED: 02/07/2011

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 972 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 972 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/791,918

**Examiner**

JAMES A. VEZERIS

**Applicant(s)**

WOODS ET AL.

**Art Unit**

3693

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a non-final rejection dated 6/10/2010.
2. ☒ The allowed claim(s) is/are 1,3-12,14-18 and 91.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/JAMES A VEZERIS/  
Examiner, Art Unit 3693

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

**Detailed Action**

1. The following communication is in response to a phone conversation held 12/16/2010.

**Status of Claims**

2. Claims 1, 3, 4, 12, 14, and 91 are currently amended.
3. Claims 2, 13, and 19-90 are cancelled.
4. Claims 1, 3-12, 14-18, and 91 are currently pending.

**Allowable Subject Matter**

5. Claims 1, 3-12, 14-18, and 91 are allowed subject to the Examiner's Amendment below.

**Examiner's Amendment**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Brian Harris on 12/16/2010 as well as a communication on 1/27/2011.

**THE APPLICATION HAS BEEN AMENDED AS DETAILED IN FOLLOWING  
PAGES:**

**Claims:**

1.

A computer-implemented method for managing investment funds, the method comprising:

receiving, by a computer, a predefined term for investing a predetermined amount of institutional capital in equity-based investments and the predetermined amount of institutional capital;

receiving, by the computer, a plurality of dividend targets, the plurality of dividend targets associated with a plurality of respective periods during the predefined term~ term and receiving the plurality of respective periods;

receiving, by the computer, a value indicator determined to be used during the predefined term; and

generating, by the computer, performance reports for monitoring performance of a selected investment manager, the investment manager being selected for investing the institutional capital in the equity-based investments for the predefined term with the goal of at least meeting the plurality of dividend targets, the investment manager using at least the value indicator to determine whether to buy, to hold or to sell at least one of the equity-based investments during the predefined term, the monitoring including monitoring by determining whether the investment manager meets the plurality of dividend targets by comparing dividends paid on the equity- based investments during each of the plurality of periods to the plurality of respective dividend targets.

12.

A computer-implemented method for managing investment funds, the method comprising:

receiving, by a computer, a predefined term for investing a predetermined amount of institutional capital in equity-based investments and the predetermined amount of institutional capital;

receiving, by a computer, an initial dividend yield;

receiving, by a computer, a growth rate;

receiving, by a computer, a value indicator to be used during the predefined term; and

generating, by the computer, performance reports for monitoring performance of a selected investment manager, the investment manager being selected for investing the institutional capital in the equity-based investments for the predefined term in accordance with the initial dividend yield and the growth rate, the investment manager using at least the value indicator to determine whether to buy, to hold or to sell at least one of the equity-based investments during the predefined term, the monitoring including monitoring by determining whether the investment manager meets the plurality of dividend targets associated with the initial dividend yield and the growth rate by comparing dividends paid on the equity-based investments during each of the plurality of periods to the plurality of respective dividend targets.

**Specification:**

The amendments to the Specification refer to the paragraph numbers of the Specification as published. The following amendments remove references to Figures 9c and 9d. No new matter has been added.

Please replace paragraph [0031] with the following amended paragraph:  
[0031] FIGS. 9a through 9b illustrate an exemplary spreadsheet of the salient figures that arise when operating an income investment mandate on the basis that an investment manager invests solely in bonds and reinvests the income.

Please replace paragraph [0032] with the following amended paragraph:  
[0032] The exemplary embodiments of the present application are described herein based on equity investments with reference to FIGS. 1 through 4 and FIGS. 7a through 8b and bond investments with reference to FIGS. 1, 2, 5, 6, 9a and 9b. The present application, however, is not limited to such investments or a combination thereof. Rather, the exemplary embodiments are equally applicable to any investment that produces income. Indeed, the underlying principles can be readily extended to such cases as zerocoupon bonds and equities which do not pay dividends, and real property investments, as would be appreciated by a person having ordinary skill in the art. The respective mandate would be appropriately constructed and the performance of the investment manager would be monitored by the respective trustees in a similar manner as described below for investments in equities and/or bonds, for example, by determining whether the investment manager meets one or more income goals.

Please replace paragraph [0079] with the following amended paragraph:  
[0079] The exemplary embodiments described in the present application fit in particularly well with any arrangement for an investment manager to be remunerated wholly or partly by an incentive element. The incentive element is appropriate because, in general, all extra performance is represented by regular extra cash flow so that the investment manager's incentive element will not be paid out of capital gain that may turn out to be transient. FIGS. 7a through 9b illustrate exemplary spreadsheets, the content and figures of which are determined according to the exemplary embodiments of the present application. Specifically, FIGS. 7a and 7b illustrate an exemplary spreadsheet of the salient figures that arise in a portfolio of equities when operating mandate 130 on the basis that investment manager 120 reinvests the income. FIGS. 8a and 8b illustrate an exemplary spreadsheet of the salient figures that arise when operating mandate 130 for a portfolio of equities on the basis that investment manager 120 does not reinvest all the income. FIGS. 9a and 9b illustrate an exemplary spreadsheet of the salient figures that arise when operating mandate 130 on the basis that investment manager 120 invests solely in bonds and reinvests the income. The software used to generate the exemplary spreadsheets is Microsoft.RTM. Excel.RTM. 97. Other software applications, alone or in combination, can also be used.

Please replace paragraph [0080] with the following amended paragraph:

[0080] Each cell of the exemplary spreadsheets shown in FIGS. 7a through 9b that has a value has one of three shadings as background indicating inputs, additions and cross casts, and calculated figures.

Please replace paragraph [0108] with the following amended paragraph:

[0108] The exemplary spreadsheet shown in FIGS. 9a and 9b provide an example of the salient figures that arise when operating income investment mandate 130 on the basis that investment manager 120 invests solely in bonds and re-invests the income. The exemplary spreadsheets cover three years of a five year mandate term. This particular example is the fundamental case where investment manager 120 achieves no out-performance and the market value happens to be the same as the fair value at each valuation date. The software used to generate the exemplary spreadsheet is Microsoft® Excel® 97. Other software applications, alone or in combination, can also be used.

Please replace paragraph [0111] with the following amended paragraph:

[0111] The mandate parameters are a yield basis or a running yield of 7.4158%, a redemption yield of 5.214%, and an income re-investment rate of 5.214%. These parameters are entered at D46, D47 and D48, respectively. Because the redemption yield is the lower figure, the capital value of the bond will diminish until it reaches its redemption value at the end of the five years. Further, time moves from left to right, with a column for the initial position and then three columns for each year on FIGS. 9a and 9b. FIGS. FIG. 9a summarizes the values in the investment books of the account and FIG. 9b summarizes the performance numbers.

Please replace paragraph [0117] with the following amended paragraph:

[0117] The procedure for the first year is repeated for the next four years, the cross-casting providing each time the up-to-date position respectively in columns J and M of FIG. 9a. The numbers in column M of FIGS. 9a and 9b are automatically read into columns for later years. In particular, the target investment income in, for instance, I29, is found by taking the difference between I48 and F48. Likewise, the fair value of the bond is available at each year end on line 48 and this particular no outperformance example is used as the market value at J14 and M14 of FIG. 9a. Also, the sale of the investment has been made equal to the then fair value per J48.

Please replace paragraph [0118] with the following amended paragraph:

[0118] The performance section shown in FIG. 9b is described below for the particular no outperformance example described above. The performance in money terms section of the exemplary spreadsheet has three columns, the figures in the second and third columns being read down from FIG. 9a as appropriate. As can be seen, the revaluation effects figure is split. The first item is the extra market value that would have been needed at the end of the year if the extra income generated by investment manager 120 was not to cause the yield on the portfolio to rise. It is a calculation based on capitalizing the extra income at the redemption yield. E61 is a balancing figure.

### **Reasons for Allowance**

7. The closest prior art that the examiner has been able to locate is US Patent 6154732 to "Tarbox." Tarbox teaches monitoring investment performance on a periodic basis. Tarbox further teaches providing a performance report to detail a rate of return for investments. However, no method of monitoring an investment manager for dividend targets and generating a report of such dividend target performance is taught. Further, there is no mention of a report being generated based on a predetermined amount of institutional capital.

Applicant's claims clearly define a plurality of dividend targets being defined for a plurality of periods. A manager is then monitored to determine their performance based on whether the dividend targets were hit or not during each period.

#### **The following is a formal statement of reasons for allowance:**

8. Claims 1, 12, and 91 are allowed because the best prior art of record, Tarbox, alone or in combination, neither discloses nor fairly suggest the limitations, in a method, the steps of:

*receiving, by a computer, a predefined term for investing a predetermined amount of institutional capital in equity-based investments and the predetermined amount of institutional capital;*

*receiving, by the computer, a plurality of dividend targets, the plurality of dividend targets associated with a plurality of respective periods during the predefined term~term and receiving the plurality of respective periods;*

*receiving, by the computer, a value indicator determined to be used during the predefined term; and*

*generating, by the computer, performance reports for monitoring performance of a selected investment manager, the investment manager being selected for investing the institutional capital in the equity-based investments for the predefined term with the*

*goal of at least meeting the plurality of dividend targets, the investment manager using at least the value indicator to determine whether to buy, to hold or to sell at least one of the equity-based investments during the predefined term, the monitoring including monitoring by determining whether the investment manager meets the plurality of dividend targets by comparing dividends paid on the equity-based investments during each of the plurality of periods to the plurality of respective dividend targets.*

Claims 3-11 and 14-18 are also allowable for the same reason discussed above, in that they are dependent on allowed Claims 1, 12, and 91. As a final matter any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and; to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. VEZERIS whose telephone number is (571)270-1580. The examiner can normally be reached on Monday-alt. Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

/JAMES A VEZERIS/  
Examiner, Art Unit 3693

1/28/2011